

**TOWN OF MARION  
TOWN MEETING WARRANT  
For the Special Town Meeting to be Held  
October 19, 2020**



*Plymouth, ss:*

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in Marion, on Tuesday, the 19th day of October next, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

**Article 1:**

To see if the Town will vote to transfer from the treasury (Capital Stabilization or Free Cash) the sum of one hundred seventy five thousand dollars (\$175,000) to be spent for electrical upgrades at the Marion Town House under the direction of the Facilities Director, or do or take any other action in relation thereto.

*Finance Committee recommends*

**Article 2:**

To see if the Town will vote to transfer from available funds in the Waterways Account, the sum of thirty five thousand (\$35,000) dollars to fund the 25% requirement of the Seaport Economic Council Grant for the design and bid documents for a new Harbormaster facility, said funds to be expended under the direction of the Harbormaster, or do or take any other action in relation thereto.

*Finance Committee recommends*

**Article 3:**

To see if the Town will vote, consistent with Section VII of the existing "Agreement among the Towns of Marion, Mattapoisett and Rochester with Respect to the Formation of a Regional School District", to amend and restate the existing regional agreement of the Old Rochester Regional School District by approving and accepting the amendment and restatement initiated and approved by a vote of the Regional School Committee and submitted to the Board of Selectmen of each member town, or to take any other action relative thereto.

*Finance Committee recommends*

**Article 4:**

To see if the Town will vote to approve the establishment of a Stabilization Fund by the Old Rochester Regional School District, to be known as the Regional School District Capital Fund, to pay costs of capital repairs, renovations, and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71, Section 16G 1/2 of the Massachusetts General Laws, or to take any other action relative thereto.

*Finance Committee recommends*

**Article 5:**

To see if the Town will vote to add to the Code of the Town of Marion Chapter 7 Article YY – Marion Litter Bylaw as follows:

YY Marion Litter Bylaw

YY-1 Definition: the term “litter” shall include but is not limited to: paper wrappers; paper bags; paper towels or napkins; paper, plastic, or foam cups; cup lids; plastic bags; plastic or glass bottles; beverage cans; cigarette butts; cigarette packs; gum packs; tissues; waste paper, garbage, rubbish, filth, refuse, wood, timber, glass, metal, garbage, or other waste material or offensive material lying scattered about.

YY-2 Requirements:

1. No person shall throw, deposit, place, drop, discard, or abandon litter on any public street or sidewalk or private wat or on any property owned by the Town or on abutting private property or vacant lot, or in any inland waters.
2. The owner or person in control of any private property shall at all times maintain the premises free of litter.
3. The owner or person in control of any vacant lot shall at all times, maintain the premises free of litter and control the growth of any wild plants
4. Persons owning or occupying property shall not cause litter from the property to be thrown, swept, or deposited on the sidewalk or street or abutting private or public property.
5. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded and covered as to prevent any load, contents or litter from being blown from the vehicle

YY-3 Enforcement: The Police Department, and the Building Commissioner shall each have authority to enforce the provisions of this section.

YY-4 Violations: Anyone who violates the provisions of this section shall be subject to a fine: first offense in a year - \$25.00; second offense in a year - \$50.00, third offense in a year - \$100.00, subsequent offenses in a year \$200.00.

*Finance Committee has no recommendation, as no financial impact*

**Article 6:**

To see if the Town will vote to amend the Zoning Bylaws by changing the phrase “Selectmen” to “Select Board” wherever the same is mentioned therein, or do or take any action related thereto

*Finance Committee has no recommendation, as no financial impact*

## Article 7:

To see if the Town will vote to amend the Code of the Town of Marion Chapter 7-Article 2 – Council on Aging by deleting the entire article.

Part I: Administrative Legislation

Chapter 7

### Article II Council on Aging

#### ~~7-3 Name; receipt and use of gifts.~~

~~The name of the organization shall be the "Council on Aging," hereinafter referred to as the "Council." Said Council may receive gifts to be managed and controlled by the Council for the purposes of this bylaw as established by Article 37 of the 1970 March Annual Town Meeting and amended by Article 28, April 27, 1987, of the Town of Marion, Massachusetts.~~

#### ~~§ 7-4 Purpose.~~

~~The basic purposes of the Council are:~~

~~**A.** To identify the total needs of the population of the aging and to advise the Board of Selectmen of the same.~~

~~**B.** To educate the community about the needs of the aging and enlist support and participation of all citizens about these needs.~~

~~**C.** To design, promote, or implement services to fill these needs, or to coordinate existing services.~~

#### ~~§ 7-5 Offices.~~

~~The principal office of the Council shall be located at the Town House, 2 Spring Street in the Town of Marion, Massachusetts, to which office all mail shall be delivered unless otherwise designated by a majority vote of the Council. The Council may also maintain offices at such other places as a majority of its members may from time to time determine.~~

#### ~~§ 7-6 Membership.~~

~~The Council shall consist of no fewer than nine members, inclusive of the Chairperson. On an annual basis, the Council members will submit a list of potential Council members to the Marion Board of Selectman. No member is to serve on the Council until appointed by the Board of Selectmen of the Town of Marion. All members shall be sworn in by the Town Clerk within seven days of their appointment.~~

#### ~~§ 7-7 Chair; member terms of office.~~

~~**A.** The Chairperson position shall be elected annually. The person serving as Chairperson may not serve more than two consecutive years, unless special circumstances warrant and only if the extension is unanimously approved by the Council members present at the annual meeting.~~

~~**B.** The terms of the members shall be for one, two and three years and so arranged that the terms of approximately 1/3 of the members shall expire each year, and their successors shall be appointed for a term of three years each. A member may not serve more than two three-year terms and cannot be nominated as a potential Council member until there is a break from service for at least one year.~~

#### ~~§ 7-8 Meetings.~~

~~**A.** Regular meetings. Regular meetings of the members of the Council shall be held once a month on the third Monday of the month with the following exceptions: When Monday falls on a legal holiday, the meeting scheduled for that day shall be held on the following Monday.~~

~~**B.** Special meetings. Special meetings of the members of the Council may be called at any time by the Chairperson, through the secretary at the request of a majority of the members and due notice sent to each member of the Council.~~

~~**C.** Annual meetings. The annual meeting of the members of the Council shall be held during the regular meeting in June for the purpose of electing officers.~~

~~**D.** Annual meeting notice. Notice of the annual meeting of members, stating the purpose for which the meeting is called, and the time and place where it is to be held, shall be sent by mail by the secretary, not less than 10 days before the meeting, to each member entitled to vote at such meetings.~~

~~**E.** Quorum. At all meetings, more than 50% of the members of the Council entitled to vote at such meeting shall be sufficient to constitute a quorum for the transaction of any business.~~

~~F. Voting.~~

~~(1) Except as may otherwise be provided in these bylaws, the vote of at least a majority of the members present at a meeting with respect to a question or matter brought before such meeting shall be necessary and sufficient to decide such question or matter.~~

~~(2) Each member entitled to vote shall vote only in person.~~

~~(3) All voting rights shall be vested in the members, and each individual member shall be entitled to one vote with respect to any question or matter which may come before a meeting of the members of the Council.~~

~~G. Meetings.~~

~~(1) All meetings shall be conducted in accordance with Robert's Rules of Order.~~

~~(2) Anyone wishing to speak shall do so only upon recognition by the Chairperson.~~

~~H. Resignation. In the event that a member wishes to resign from the Council, he/she must notify the Council on Aging, the Board of Selectmen and the Town Clerk in writing.~~

~~I. Resignation; attendance. Regular attendance is expected of all members. In the event of absence by any member for three consecutive meetings, except for reasons of health or extenuating circumstances, as duly reported to the Chairperson in advance of Council meetings, the Council shall request resignation of that member through the Board of Selectmen.~~

~~§ 7-9 Officers.~~

~~A. Number, qualification, election and term of office.~~

~~(1) The officers of the Council shall consist of a Chairperson, a Secretary and a Treasurer and may also include such number of Assistant Secretaries and an Assistant Treasurer as the Council may from time to time deem advisable.~~

~~(2) Officers of the Council shall be elected at the annual meeting of the Council by majority vote of the members present and shall take office upon election.~~

~~(3) Election of officers to fill vacancies created by death, resignation or other cause may take place at any regular or special meeting and shall be for the period of unexpired term of the previous incumbent, except that the office of Chairperson, if vacated, shall be filled by the Treasurer for the unexpired portion of the Chairperson's normal term of office.~~

~~B. Chairperson. The Chairperson shall be the chief executive officer of the Council and subject to the direction of the members of the Council and shall have general charge of the business, affairs and property of the Council in its general operations. The Chairperson shall preside at all meetings of the members, shall appoint all committees and shall be an ex-officio member of all committees, serve as the initial spokesman in representing the Council on financial matters at meetings of above Town officials and at Town Meetings.~~

~~C. Treasurer. The Treasurer shall be responsible for reviewing financial statements, submit periodic financial statements to the Council and ensure that expenditures do not exceed appropriation limitations.~~

~~§ 7-10 Bylaw amendments.~~

~~The Council shall review the bylaws on an annual basis and should any amendments be requested, the same shall be submitted to the Marion Board of Selectmen for the Selectmen's review. The proposed amendments or alterations of the bylaws shall be approved by the affirmative vote of 2/3 of the members of the Council before being submitted to the Marion Board of Selectmen~~

~~§ 7-11 Affiliate memberships.~~

~~A. The Council shall set up an affiliate membership of eight to 10 members who, when attending meetings, shall not be entitled to voting privileges. Affiliate members shall be selected upon approval of a majority of Council members as provided for in § ~~7-8F~~.~~

~~B. Some of these members may come from other Town committees whose activities relate to those of the Council on Aging. Others may be selected from groups concerned with the welfare of the elderly in Marion.~~

*Finance Committee has no recommendation, as no financial impact*

**Article 8:**

To see if the Town will vote to add to the Code of the Town of Marion Chapter 7 Article II— Town Moderator as follows:

## Article II Town Moderator

7-3 Powers and duties. The Town Moderator, is the presiding officer of the Annual Town Meeting, Special Town Meetings, and other meetings that he/she is requested to officiate and to ensure that order is maintained. The Moderator regulates its proceedings, decides all questions of order, declares the outcome of all votes, and has other power and duties as provided for that office by Massachusetts General Laws and town bylaws.

7-4 Membership. There shall be one elected Town Moderator for a term of three years.

*Finance Committee has no recommendation, as no financial impact*

### **Article 9:**

To see if the Town will vote to add to the Code of the Town of Marion Chapter 7 Article ZZ– Tree Warden as follows:

#### Article ZZ Tree Warden

ZZ-1 Powers and duties. The Tree Warden shall exercise the duties of tree warden as established by MGL chapter 87, section 2. He/she shall have the care and control of all public shade trees, shrubs, and growths except those within a state highway. He/she is responsible for planting new shade trees for the purpose of improving, protecting, shading, or ornamenting the public way. He/she decides whether to permit any manmade alteration to public shade trees. If requested by the Park Commissioners, he shall have the care and control of the shade trees, shrubs, and growths in public parks or open spaces. No tree shall be planted within a public way without the approval of the tree warden and its location being approved by the Selectboard. He may make regulations for the care and preservation of public shade trees and establish fines and forfeitures for any violation.

ZZ-2 Membership. The Select Board shall appoint one Tree Warden for a term of one year.

*Finance Committee has no recommendation, as no financial impact*

### **Article 10:**

To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-8.2 – Water Supply Protection District by revising the same as follows:

#### **230-8.2 Water Supply and Aquifer Protection District.**

The purpose of the Water Supply and Aquifer Protection Districts is to promote the health, safety, and general welfare of the Town. ~~To protect, preserve, and maintain the existing and potential well sites and groundwater supply and watershed areas for the public health and safety;~~ to preserve and maintain the existing and potential groundwater supply and ground water recharge areas within the Town ~~for the public health and safety;~~ to preserve and protect the streams, brooks, rills, marshes, swamps, bogs and other water bodies and watercourses in the ~~Town District;~~ to protect the community from the detrimental use and development of land and water within the ~~District;~~ ~~to preserve and protect the groundwater and water recharge areas within the Town;~~ and to prevent blight and pollution of the environment.

**A. Water Supply and Aquifer Protection District area (see ~~Article III~~ Section 230-3.2).**

**(1)** There is hereby established within the Town ~~a Water Supply Protection District and a~~ ~~an~~ Aquifer Protection ~~District~~ ~~which is as~~ delineated on the Zoning Map of the Town of Marion, dated May 12, 2014.

**(2)** ~~Except as specifically provided otherwise, this section applies to t~~The Water Supply and Aquifer Protection Districts ~~hereby established. The Water Supply and Aquifer Protection Districts~~ are

superimposed on existing zoning districts. All uses, dimensional requirements, and other provisions of the bylaw applicable to such underlying districts shall remain in force and effect, except where the restrictions and requirements of the overlay district are more restrictive, the latter shall prevail.

**B. Aquifer Protection District ~~P~~permitted uses.**

**(1) ~~Within the Aquifer Protection District the only uses allowed are as follows:~~**

**~~(a)~~** A single-family residence and uses accessory thereto connected to the municipal sewer prior to occupancy, providing all excavation and grading shall maintain a depth of at least four feet of clean fill above the high-water table.

**~~(b)~~ (2)** A single-family residence and uses accessory thereto located on a lot not less than one acre in area, providing all excavation and grading shall maintain a depth of at least four feet of clean fill above the high-water table.

**~~(2) Within the Water Supply Protection District the requirements of the underlying districts continue to apply, except that uses listed in Subsection C are prohibited and all uses other than single-family residences and uses accessory thereto shall require a special permit pursuant to Subsection D.~~**

**C. ~~Prohibited uses. The following are prohibited as a principal or an accessory use in a~~ Water Supply Protection District. ~~Where lawfully existing, such uses may be continued but not expanded, added to, or enlarged:~~**

**~~(1) The requirements of the underlying districts continue to apply, and all uses other than single-family residences and uses accessory thereto shall require a special permit pursuant to Subsection D.~~**

**~~(2) Prohibited Uses. The following are prohibited as principal or an accessory use in a Water Supply Protection District. Where lawfully existing, such uses may be continued but not expanded, added to, or enlarged:~~**

**~~(a)~~** Outdoor storage of salt, snow-melting chemicals, pesticides, herbicides, hazardous wastes or chemicals, and materials containing or coated with such chemicals susceptible to being carried into the surface or ground waters within the Water Supply Protection District.

**~~(2) (b)~~** Junkyards, salvage yards, open and landfill dumps, manufacture of pesticides, fertilizers, weed killers and herbicides, and commercial facilities for the storage or treatment of hazardous waste.

**~~(3) (c)~~** Disposal of hazardous toxic materials (as defined by federal and state regulations), solid waste, or hazardous toxic wastewater through an on-site subsurface disposal system.

**~~(d) Stockpiling or disposal of chemically treated snow or ice brought in from outside the District~~**

**~~(e) Petroleum, fuel oil, heating oil bulk stations and terminals~~**

**~~(f) Floor drains in existing commercial and industrial process areas.~~**

**~~(3) Restricted uses~~**

**~~(a) Sludge and septage storage unless stored in pursuant to 310 CMR 22.21(2)(b)(1)~~**

**~~(b) Deicing chemical storage unless stored in pursuant to 310 CMR 22.21(2)(b)(2)~~**

**~~(c) Commercial fertilizer storage unless stored in pursuant to 310 CMR 22.21(2)(b)(3)~~**

**~~(d) Animal manures storage unless stored in pursuant to 310 CMR 22.21(2)(b)(4)~~**

**~~(e) Storage of liquid hazardous materials and liquid petroleum products unless stored in pursuant to 310 CMR 22.21(2)(b)(5)~~**

**~~(f) Earth removal activities within 4 feet of historic high-water table pursuant to 310 CMR 22.21(2)(b)(6)~~**

**~~(g) Land uses resulting in impervious surface covering more than 15% or 2500 square feet of any lot or parcel, whichever is greater, unless artificial recharge for excess runoff is provided pursuant to 310 CMR 22.21(2)(b)(7).~~**

**D. Uses by special permit.**

**(1)** All principal or accessory uses, other than those permitted in Subsection **B**, which are authorized in the underlying district and which are not otherwise prohibited by Subsection **C**, are permitted in a Water Supply Protection District upon issuance of a special permit by the Board of Selectmen, which shall consider the reports and recommendations of the Board of Health, Planning Board, and Conservation Commission.

**(2)** The Board of Selectmen may waive all or part of the submission requirements upon the submission of evidence by the applicant that the surface or groundwater drainage from the applicant's site is not contributory to a municipal well field.

**(3)** Submittals. The following information shall be submitted when applying for a special permit within the Water Supply Protection District:

**(a)** A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous material to be used and stored in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect them from vandalism, corrosion, and leakage and to provide for spill prevention and countermeasures.

**(b)** A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method.

**(c)** For underground storage of toxic and hazardous materials, evidence of qualified professional supervision of system design and installation.

**(4)** Review and approval considerations.

**(a)** Special permits shall be granted only if the Board of Selectmen determined that at the boundaries of the premises the groundwater quality resulting from the on-site waste disposal, other on-site operations, natural recharge, and background water quality will not fall below the standards established by the DEP in "Drinking Water Standards of Massachusetts" or, for parameters where no standard exists, below standards established by the Board of Health, and wherever existing groundwater is already below those standards, upon determination that the proposed activity will result in no further degradation.

**(b)** A special permit issued by the Board of Selectmen shall be conditioned upon the following additional limitations to protect the water supply:

**[1]** Safeguards. Provisions shall be made to protect against toxic or hazardous materials discharged or lost through corrosion, accidental damage, spillage or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provision for corrodible or dissolvable materials.

**[2]** Location. Where the premises are partially outside the Water Supply Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.

**[3]** Disposal. For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL c. 21C.

**[4]** Drainage. All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.

**[5]** Monitor test wells. Where fertilizers, pesticides, herbicides or other potential contaminants are to be applied, utilized or stored, and in the opinion of the Board of Selectmen are a matter of concern, a

groundwater monitoring program shall be established before the special permit is granted. Such a program shall adequately monitor the quality of the groundwater leaving the site through the use of monitor wells and/or appropriate groundwater sample analysis.

**[6]** Natural vegetation. Not more than 50% of natural vegetation, existing as of the effective date (June 18, 1990) of the adoption of this amendment to the bylaw on any lot, may be disturbed in any underlying district. However, to the extent that there is a finding that surface or groundwater drainage activity from the applicant's proposed use or activity on the site has decreasing, minimal or no impact on the municipal well field, the Board of Selectmen may relax the requirements of the preceding sentence, but in no event to a standard which is less restrictive than that set forth in the "minimum usable open space" paragraph of § **230-5.3B(2)**.

**[7]** Technical reference. The Board of Selectmen and applicants shall use the following technical references in the preparation and review of plans under this section: 310 CMR 22.00.

**(5)** Additional rules and regulations. The Board of Selectmen shall adopt additional rules and regulations relative to the issuance of a special permit under this section. Such rules shall consider, but need not be limited to, requirements to control causes of pollution to underground surface water.

*Finance Committee has no recommendation, as no financial impact*

#### **Article 11:**

To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-16.3, 5, 6, 7– Ground-mounted systems in non-residential districts by revising the same as follows:

##### **230-16.3 General standards for solar systems.**

The following represents the general standards that shall apply to systems installed pursuant to the provisions of this bylaw:

~~A. Systems and solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.~~

~~B. A.~~ A system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials, with the exception of the following: Necessary equipment information, warnings, or indication of ownership shall be allowed on any equipment of the system or where required by the Building Code.

~~C. B.~~ No system or any of its components shall be illuminated, except to the degree minimally necessary for public safety and/or maintenance and only in compliance with the Marion Zoning Bylaw.

~~D. C.~~ All systems shall be considered either a "structure" or an "accessory structure" as defined in the Marion Zoning Bylaw and shall have setbacks on all sides in accordance with existing zoning requirements as stated in the Dimensional Requirements Table found within § **230-5.1** of the Marion Zoning Bylaw or as further defined in this bylaw.

~~E. A system installation shall limit the visual and other impacts on the adjacent properties. The systems shall be screened from ground and water level view of the line of sight from public ways or waterway and adjacent properties by appropriate year-round landscaping, fencing, screening, or other type of buffers consistent and compatible with the character of the neighborhood where the system is located.~~

~~F. D.~~ Large-scale clearing of forested areas for the purpose of constructing systems is prohibited.

~~G. E.~~ No system shall be used or constructed such that it becomes a private or public nuisance or hazard, and no system shall be abandoned or not maintained in good order and repair. Any system that is



deemed a private or public nuisance or hazard or otherwise abandoned or not maintained in good order and repair shall be removed from the property at the property owner's sole expense.

~~H. F.~~ Stormwater and snowmelt runoff and erosion control shall be managed in a manner consistent with all applicable federal, state and local regulations and shall not impact neighboring properties.

~~I. G.~~ Wall mounting or any other form of face-mounted system on any building or structure is prohibited in all zoning districts.

~~J. H.~~ Utility connections. All electrical work shall be in accordance with the National Electrical Code and the Massachusetts Building Code and have received all applicable permits, including but not limited to environmental permits as may be required. All power transmission lines from a ground-mounted system to any building or other structure shall be located underground unless otherwise required by the State Building Code or impeded by special ground site conditions.

~~K. I.~~ Any deviation from the requirements set forth in design standards for all districts shall be subject to a streamlined special permit process as defined in § 230-16.9.

#### 230-16.5 Ground-mounted systems in nonresidential districts.

This section of the bylaw applies to ground-mounted systems not classified as solar farms.

**A.** Ground-mounted systems equal to or less than 900 square feet or a panel area equal to 1.5% of the lot size, whichever is larger, may be installed by an applicant via issuance of a building permit by the Marion Building Commissioner. No Special Permit or Site Plan Review is required.

**B.** A solar panel array greater than 900 square feet or 1.5% of lot size, whichever is larger, with a maximum system size of 1,500 square feet, shall be reviewed and approved by the Planning Board pursuant to the provisions of § 230-16.9, Streamlined special permits, and is subject to a minor site plan review (§ 230-16.7).

**C.** A solar panel array greater than 1,500 square feet shall be reviewed and approved by the Planning Board pursuant to the provisions of § 230-16.9, Streamlined special permits, and is subject to major site plan review (§ 230-16.8).

**D.** The maximum height above ground level of any portion of the system shall be six feet, measured as the vertical distance from the mean natural grade on the street side(s) and, if not abutting a street, from the mean natural ground level along the system's designated front yard, as said front yard is designated by the Building Commissioner.

**E.** A system installation shall limit the visual and other impacts on the adjacent properties. The systems shall be screened from ground and water level view of the line of sight from public ways or waterway. Screening can be a six-foot solid fence, an earth berm, year-round landscaping, or any combination that are consistent and compatible with the character of the neighborhood where the system is located.

#### § 230-16.6 Ground-mounted systems in residential districts.

This section of the bylaw applies to ground-mounted systems for on-site electrical use.

**A.** A solar panel array limited in size to 600 square feet or a panel area equal to 1.5% of the lot size, whichever is larger, may be installed after obtaining a building permit from the Building Commissioner. No Special Permit or Site Plan Review is required.

**B.** System(s) greater than 600 square feet or 1.5% of lot size, whichever is larger, shall have been reviewed and approved by the Planning Board pursuant to the provisions of § 230-16.9, Streamlined special permits, and to a minor site plan review (§ 230-16.7).

C. The maximum height above surrounding ground level of any portion of the system shall be six feet, measured as the vertical distance from the mean natural grade on the street side(s) and, if not abutting a street, from the mean natural ground level along the system's designated front yard, as said front yard is designated by the Building Commissioner.

D. At the expense of the applicant, all parties in interest shall be notified of the Planning Board meeting during which a minor site plan review application is to be held pursuant to the provisions of MGL c. 40A, § 11, notwithstanding that a public hearing shall not be required.

E. A system installation shall limit the visual and other impacts on the adjacent properties. The systems shall be screened from ground and water level view of the line of sight from public ways or waterway. Screening can be a six-foot solid fence, an earth berm, year-round landscaping, or any combination that are consistent and compatible with the character of the neighborhood where the system is located.

#### § 230-16.7 Minor site plan review and approval.

Where required by this bylaw (Article XVI et seq.), submission to the Planning Board for minor site plan review and approval pursuant to § 230-9.1B of the Zoning Bylaw shall be as set forth herein ~~and regardless of the minimum threshold requirements found in § 230-9.1B~~. In addition to the submission requirements found in § 230-9.1B of the Zoning Bylaw, the Planning Board may require, where in its sole judgment it deems relevant, the submission of one- or three-line electrical diagrams detailing solar PV systems, associated components, electrical interconnection methods, all National Electrical Code compliant disconnects and overcurrent devices, documentation of major system components to be used, including PV panels, mounting system, and inverter(s).

*Finance Committee has no recommendation, as no financial impact*

#### Article 12:

To see if the Town will vote to amend the Code of the Town of Marion Chapter 109-9 –9 Kennel, License required; tags, fee by revising the same as follows:

##### 109-9 Kennel

109-9.B There shall be a fee that is paid by the owner for each license and tag and any replacement tag issued by the Town Clerk. All fees under this section shall be determined by the Board of Selectmen and may be changed from time to time as it deems appropriate. No fee shall be charged for a license for ~~a~~ one dog owned by a person aged 70 years or over.

109-11.A Whoever violates any provision of § 109-9 or § 109-10 of these rules and regulations shall be punished by a fine of not less than \$25 per dog, which shall be paid to the Town

*Finance Committee has no recommendation, as no financial impact*

#### Article 13:

To see if the Town will vote pursuant to Article V, Section 230-5.3 of the Zoning Bylaws, Town of Marion, Massachusetts, to re-classify the following lots, located on Wareham Street, as Zoning District Residence E:

Map 7 Lot 24

Map 7 Lot 25  
Map 7 Lot 27  
Map 7 Lot 28C  
Map 7 Lot 29;

said lots are further shown as lots 2 and 3 on a plan entitled "Approval Not Required Plan of Land known as Lots 24, 25, 26 & 27 on Assessor's Map 7 Situated on Bournhurst Rd & Wareham Street in the Town of Marion, County of Plymouth, MA Prepared for Henry & Judith DeJesus, Scale: 1" = 80' Date: Nov. 1, 2017", revised Nov. 2, 2017 and recorded on 6/28/2018 in the Plymouth County Registry of Deeds in Plan Book 62 Page 544; and lots 4A, 4B and 4C on a plan entitled "Division of Land Plan Lots 28, 29, & a Portion of Lots 24 & 27 on Assessors Map 7, Situated on Wareham Street in the Town of Marion, County of Plymouth, MA Prepared for Henry & Judith DeJesus, Scale: 1" = 80' Date: March 14, 2019", revised April 1, 2019" and recorded on 7/8/2019 in the Plymouth County Registry of Deeds in Plan Book 63 Page 687.

*Finance Committee has no recommendation, as no financial impact*

And you are directed to serve this warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given our hands this 21st day of September in the Year Two Thousand and twenty one.

Norman A. Hills  
Chairman

John P. Waterman  
Vice-Chairman

Randy L Parker  
Clerk  
BOARD OF SELECTMEN

A true copy, ATTEST:

I, Richard B. Nighelli, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on September 22, 2021 said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3 of the Code of the Town of Marion.

RICHARD B. NIGHELLI

CONSTABLE